

Rockport Planning Board

Findings of Fact and Conclusions of Law Following Remand

Site Plan Review Application

20 Central Street, LLC

20 Central Street, Tax Map 029, Lot 293

These matters come before the Planning Board following remand by the Maine Superior Court in accordance with its Order and Judgment dated December 1, 2021 and its Further Order and Judgment dated January 3, 2022 (collectively, the “Superior Court’s Orders”). Remand of these matters was made in the Superior Court action captioned AP-2021-02, which was addressed to an appeal of the Planning Board’s Notice of Decision (the “Notice of Decision”) addressed to approval of application for Site Plan Review by 20 Central Street, LLC (the “Applicant” or “20 Central”). Per the Superior Court’s Orders, the Planning Board’s Notice of Decision and was remanded in part for reconsideration of 20 Central’s site plan application with respect to the adequacy of parking and compliance with standards for architectural harmony. Specifically, with respect to off-site parking, remand was deemed necessary for the Planning Board to consider and enter findings of fact regarding the parking requirements that were previously waived for Union Hall and the extent to which the Sandy’s Way lot is shared with other establishments and with the general public. Separately, the Planning Board should address whether hotel balconies conform with the architectural harmony requirements under the LUO §§ 1301 and 1003.1. The Planning Board relies upon and incorporates by reference its prior Notice of Decision and issues these findings and conclusions to document the factual and legal basis for its decision with respect parking requirements and architectural harmony in relation to 20 Central’s existing application for Site Plan Review, which the Planning Board approved as reflected in the Notice of Decision and as reflected herein.

I. Project Description and Review Process

On February 27, 2020, the Planning Board voted to approve 20 Central Street, LLC’s application for site plan review for a 26-room hotel and restaurant (“the Project” or “the Proposed Hotel”) to be located at 20 Central Street in Zoning District 913, after reviewing the application over four separate meetings. The Board voted to adopt written findings of fact and a notice of decision consistent with the Board’s approval on May 21, 2020. The Planning Board’s previous Notice of Decision is adopted as part of these Findings of Fact.

The Planning Board’s decision was appealed to the Zoning Board of Appeals, which voted 6-0 to deny the appeal on January 22, 2021. Appellants John Priestley, David Barry, David Kantor, Mark Schwartzmann, and Winston Whitney (“the Appellants”) then filed an appeal in Maine Superior Court, Knox County, on March 5, 2021.

On December 1, 2021, the Superior Court entered its first Order and Judgment remanding these matters to the Planning Board for its consideration of issues related to the adequacy of parking and standards for architectural harmony, which was further clarified in a Further Order and Judgment issued on January 3, 2022.

On January 27, 2022, the Planning Board took a view of the Project by holding a site walk then met and heard from the parties to develop Findings of Fact and Conclusions of Law pursuant to the Superior Court's Orders. On February 3, 2022, it met and considered draft findings, then took a final vote on the remanded matters. The Applicant was represented by Tyler Smith and Attorney Andre Duchette, the Appellants were represented by Attorney Kristin Collins, and Attorneys Philip Saucier and Daniel Murphy acted as counsel to the Planning Board.

The Applicant and Appellants both submitted materials prior to the January 27, 2022, including evidentiary materials not previously in the Planning Board record. For instance, appellant John Priestly submitted a diagram of a proposed 20-Room hotel for consideration by the Planning Board. This diagram also was contained in materials used by counsel for Appellants, Kristin Collins. Appellants also submitted a traffic study for inclusion in the record prior to deliberations on remand. Similarly, 20 Central has submitted multiple statements from architects and experts, as well as materials seeking to depict the number of balconies/decks within a 500 foot radius of the Project. The Board also received new written comments from members of the public. Finally, during the Planning Board's site walk, photos were taken of the Project and its surroundings.

In an abundance of caution, the Planning Board has decided to revisit the pre-existing record without reference to any newly submitted evidence or materials provided or obtained after remand in order to make its determinations on whether substantial evidence exists to support its findings on parking requirements and architectural harmony.

Separately, the Planning Board shall issue Additional Findings and Conclusions on an alternative basis. To the extent that the Superior Court's Orders can be construed as permitting the parties and participants to submit additional evidence or materials, the Planning Board shall issue alternative findings and conclusions herein that consider such materials.

For the avoidance of doubt, the Planning Board seeks to clarify that its primary Finding and Conclusions entered on remand are based solely on the record that existed prior to remand and has not taken into consideration new evidence or materials submitted or created after remand. Additional Findings and Conclusions entered by the Planning Board only to the extent to which the Superior Court's Orders may be construed as allowing the submission of new evidence and materials.

II. Findings of Fact

Based on the evidence in the Planning Board record that existed prior to the remand from the Superior Court, including photographs, plans, and other material presented, and not based on any additional evidence, materials, or submissions not previously in the record prior to remand, the Planning Board made the following findings:

A. Architectural Harmony

1. To address concerns raised during the initial review of the Project, the Applicant made several adjustments to the façade of the proposed hotel and reduced the number of rooms from 35 to 26.
2. Based on the Applicant's application, the proposed hotel will have brick arches that complement arches and other features on the adjoining buildings.
3. Each of the three buildings on the block (the existing Shephard and Union Hall buildings and the proposed hotel) have slightly different features, but together are visually harmonious and include similar

elements such as granite foundations, historic red brick, pink mortar, dormers, decks, balconies, paneled front veneer, slate mansard roofs, divided pane windows. For example, the Shepard Block has darker features and a storefront, while Union Hall has more of a farmhouse look with green doors – but all three buildings contain certain elements that are visually harmonious.

4. The massing and size of the buildings are proportional - the hotel will not tower over the other adjoining buildings, nor be dwarfed by them.
5. The proposed design of the hotel incorporates many of the different attributes of the neighboring buildings, and the materials are mostly native to Maine, including brick and slate.
6. While the hotel is a new, modern building, it is architecturally harmonious with the adjoining buildings – renovations and new buildings do not need to be exact replicas of adjacent buildings or of historical structures, but can be designed in a way that are from a new era and different, yet reflects elements of and a continuity with their surroundings.
7. Regarding the proposed balconies:
 - a. Balconies were always part of the design but were refined as the application went through the review process to take up less space on the façade of the building.
 - b. In reviewing the rendering of the façade, the balconies are “light weight” in appearance, and the rails and spindles are thin, blending in with the brick and the corbelling of the building. When you look at the rendering of the hotel, your eye is not drawn to the balconies, but rather the lines of the windows, doors, roof, and design elements of the structure.
 - c. There are many balconies or decks on other buildings in the Village and in the visual vicinity of both the front and rear of the hotel, including four to five balconies within eyesight of the hotel. Specifically there are balconies on various buildings looking up from Sandy’s Way in the back, and Central Avenue in the front, and there is a wrought-iron balcony directly across the street from the hotel at 23 Central Street that is owned by Appellant John Priestley, which is shown in so-called “Picture 5” dated 10-7-19 from the materials submitted by Applicant in support its Application for Site Plan Review and is part of the pre-existing record. This balcony, which is across the street from the Project, was observed on the first Site Walk of the Planning Board. In addition, there are balconies on the new public library within view, and just up the street from the Project (1 Limrock Street), and on buildings on Main Street and Franklin Streets within a couple of hundred feet from the hotel.
 - d. In the rear of the building there are balconies or decks on both adjoining buildings as well as on many buildings facing the water overlooking the harbor.

B. Parking

1. The Project requires 56 parking spaces under Section 803.1(2) of the Ordinance (28 spaces for the hotel and 28 spaces for the restaurant inside the hotel), a fact that is not contested by the Parties as noted by the Court's December 1, 2021 Order.
2. The Planning Board did not waive any parking requirements in relation to 20 Central's application for Site Plan Review. On January 22, 2020, the Zoning Board of Appeals granted the Applicant a waiver to allow 35 off-site parking spaces at 310 Commercial Street ('the Hoboken Lot') to be served by valet service. The record includes a lease between Hoboken School House, LLC and 20 Central Street, LLC allowing the Applicant to use the Hoboken Lot for offsite parking for the proposed hotel including a plan depicting the location of the 35 dedicated parking spaces. The Planning Board was presented and reviewed this lease, as a requirement of the Land Use Ordinance.
3. The additional 21 required parking spaces will be provided by onsite parking behind the hotel (the "Sandy's Way lot").
4. Based on the plans in the Record, there are approximately 58 parking spaces in the Sandy's Lot, and that only 28 spaces have been previously dedicated to other uses.
5. The Board reviewed the minutes from four separate Planning Board meetings, and from prior approvals beginning in 2008 (change of use for Shepard's Block, abutting the proposed hotel to the east) thru 2012 (Change of use for Union Hall from educational to commercial, abutting the proposed hotel to the west).
6. At the time of both approvals the Shephard Block (Glen Cove, LLC) and Union Hall (Rockport Properties, LLC) were owned by two different entities. Union Hall did not have any right to use any parking spaces in the Sandy's Way Lot and Rockport Properties, LLC had no ownership or rights to use the Sandy's Way Lot. The Planning Board makes note of these facts because it has been suggested by other parties that at this time, parking spaces had been allocated or pledged to support uses by Union Hall and/or Rockport Properties, LLC, and therefore were unavailable to be allocated to 20 Central in support of its application for Site Plan Review. Based on these approvals, even if Union Hall or Rockport Properties, LLC wished to have spaces in Sandy's Way Lot allocated for use by Union Hall or Rockport Properties, LLC, the lack of any legal right (including by ownership or lease) of Union Hall or Rockport Properties, LLC to parking spaces in the Sandy's Way Lot necessarily means that no parking spaces were every allocated or pledged from the Sandy's Way Lot for Union Hall or Rockport Properties, LLC.
7. On October 8, 2008, the Planning Board approved a change of use for Shepard's Block and allocated 28 parking spaces in the Sandy's Way Lot (Page 5 of the 10/8/2008 Minutes). In 2008, the then-existing Sandy's Way Lot did not include all of the spaces available today, but instead ended approximately at the end of the 20 Central LLC property line, and the additional parking now behind Mary Lea Park did not exist.

8. On June 20, 2012, the Planning Board held a pre-application meeting for a change of use for Union Hall from educational to commercial. Based on page 16 of the Minutes, the owner of the property stated that there were between 50 to 60 public parking spaces available in the Village, including on both sides of Central Street, on Union Street, and on Main Street – and also noted that the Sandy’s Way Lot owned by a different owner, Glen Cove, LLC, had 23-24 spaces used by others. The owner of Union Hall also noted the then-owner of Shepard Block had plans to add additional spaces on Sandy’s Way (pages 16-17 of the Minutes). The 2012 Board noted the availability of on-street parking in the Village and that the public would need to be educated that there is a lot of available parking (page 18).
9. On August 8, 2012, the Board continued its review of the Union Hall change of use application. After considering the parking, the then Board Chair Mr. Leichtman noted that “waiving the parking requirements would be the smartest thing to do” and then Board voted 5 to 0 to “waive the parking space regulations for this project.” Page 3 of the 8/8/2012 Minutes.
10. Thus in reviewing the previous 2008 and 2012 minutes, the Board found that in 2008 28 spaces were allocated to Shephard’s Block in the old Sandy’s Way Lot, and in 2012 Union Hall parking requirements were waived. The Board determined that the 2012 waiver meant that the parking space requirements were actually waived in perpetuity, and no allocated spaces were required. Stated another way, waiver of parking requirements by the Planning Board on August 8, 2012 for uses related to Union Hall means that no spaces from the Sandy’s Way Lot were allocated or legally committed by the Planning Board in relation to parking requirements related to Union Hall. This determination is supported by Union Hall’s lack of any legal right (whether by lease or ownership) to the Sandy’s Way Lot at the time of its requests submitted to the Planning Board discussed herein. Understood in context, “waiver” of parking requirements for Union Hall means that Union Hall and owners were legally excused from parking requirements, thereby leaving at least 28 parking spaces available and unallocated at the Sandy’s Way Lot.
11. There is nothing in the record that would show that the owners of Union Hall to exercise any legal right to use any spaces in Sandy’s Way Lot, including any easement, lease, deed or other documentation that would show there are any dedicated rights to parking for Union Hall.
12. The additional 28 parking spaces constructed in the new portion of the Sandy’s Way Lot after the 2012 approvals noted above are unallocated. The Sandy’s Way Lot was not oversubscribed, and there are at least the 21 unallocated spaces requested and available in the Sandy’s Way Lot for use for the Project.
13. In terms of the use of the Sandy’s Way Lot by the general public or other businesses in the Village, there is nothing in the record that shows any such use nor any “shared parking.” The Planning Board finds that the Sandy’s Way Lot is not a shared lot under the Land Use Ordinance definitions because this provision is implicated only when distinct parties or businesses (not under common ownership) formally propose to concurrently use a parking facility, a case that is not present here. Although it has been suggested that members of the public currently “share” the Sandy’s Way Lot to patronize local businesses, the Planning Board has approved and allocated 21 parking spaces in the Sandy’s Way Lot to the Applicant (which has a legal right to use the Sandy’s Way Lot) for guests of the Project. Once the Project is completed, the Applicant presumably can and will monitor and patrol the use of its own lot to ensure that it is used for patrons of the hotel, particularly in the summer. The Planning Board views the

formal allocation of 21 parking spaces from Sandy's Way Lot as having the positive effect of making clear that such spaces are now formally allocated. The owner of the Project can control the use of the Sandy's Way lot, including any use by the public for Opera House Events, Planning Board meetings, or the like.

14. Thus, the Planning Board finds that there are approximately 58 spaces available in Sandy's Way Lot and that there are sufficient spaces for the Applicant to allocate 21 spaces to the proposed use for the Project by the Applicant. The Planning Board finds that potential use by the general public of the Sandy's Way Lot does not warrant a different determination because there are additional spaces available at the Sandy's Way Lot and the Applicant can be expected to manage the 21 spaces allocated for the Project. Because any use by the general public may be deemed by general license or permission, the Planning Board finds that no spaces from the Sandy's Way Lot have been "allocated" to the general public or surrounding businesses apart from the Applicant.

III. Conclusions of Law

Based upon the application materials, testimony, statements, evidence, documents and other materials in the record existing prior to remand, and as outlined and reflected in the above Findings of Fact, the Rockport Planning Board finds that the Project meets the architectural harmony and parking requirements in the Rockport Land Use Ordinance, and further makes the following conclusions based on the applicable provisions of the Ordinance:

A. Architectural Review Standards, Section 1003.

General

1. Proposed development shall be located and configured in a visually harmonious manner with the terrain and vegetation of the parcel and surrounding parcels. Structures shall impede as little as reasonably practical, scenic views from the main road or from existing structures and nearby undeveloped areas.

Based on the evidence in the record and in the findings of fact as outlined above, the Board found that the Application meets this standard and the Project will be visually harmonious with the terrain and surrounding parcels. The design is well crafted, has a nice appearance, and blends in with the architectural features of adjacent buildings. Further, the prevalence of balconies in the surrounding area makes the addition of balconies to the hotel more architecturally harmonious with its surroundings. The balconies on the façade of the building are attractive and unobtrusive and blend in well with the adjoining buildings are similar to balconies located in the vicinity of the Project, including a balcony located at 23 Central Street that is located across the street from the Project. While assessment of design contains subjective elements, and various architects potentially could come to different conclusions, the collective judgment of the Planning Board is that the Project meets the standards for architectural harmony met as outlined above. A search the Land Use Ordinance finds no reference to the governance of balconies.

2. The architectural design of structures and their materials and colors shall be visually harmonious with the overall appearance of neighboring structures.

The Planning Board concludes that the Project meets the standard set forth above. The proposed hotel flows along with the street, is made out of bricks and granite that matches and complements the materials of the adjacent buildings, including granite, historic red brick, mansard roof, paneled veneer, granite foundations, paned windows, and a slate mansard roof. The proposed design of the hotel picks up and plays upon the design features of the adjacent buildings in a pleasing and harmonious way, and impedes upon the existing buildings as little as reasonably practical.

3. Buildings that do not conform with these standards and that are stylized to the point where the structure is a form of advertising or exhibits a franchise style are not permitted.

The Planning Board concludes this provision is not applicable to the Project and/or has not been remanded for further consideration.

4. For properties with more than one building, there shall be an overall design concept that demonstrates a cohesive relationship between the buildings.

The Planning Board concludes this provision is not applicable to the Project and/or has not been remanded for further consideration.

5. Accessory structures shall be treated as architectural elements and shall meet the same design standards as larger buildings.

The Planning Board concludes this provision is not applicable to the Project and/or has not been remanded for further consideration.

6. Where drive-throughs are permitted, they shall be incorporated into the design of the building through their scale, color, detailing, massing and other architectural treatments. Drive-through elements shall not face the street, unless for safety or security reasons there is no alternative.

The Planning Board concludes this provision is not applicable to the Project and/or has not been remanded for further consideration.

Renovations and Additions

The Planning Board concludes this provision is not applicable to the Project and/or has not been remanded for further consideration.

Roofs

Long monotonous facade designs including, but not limited to, those characterized by unrelieved repetition of shape or form or by an unbroken extension of line shall be avoided. Rooflines should be designed to provide diversity and visual interest.

The Project meets this standard as the façade is visually appealing and is not long and monotonous, but instead includes design elements that are visually harmonious with the adjacent buildings. The proposed roof is a mansard roof, providing both visual interest and diversity with the surrounding buildings while also consistency through the use of slate roofing.

1. Pitched roofs or the appearance of pitched roofs with a minimum slope of four (4) to twelve (12) are strongly encouraged.

The Planning Board concludes this provision is not applicable to the Project and/or has not been remanded for further consideration.

2. Flat and Mansard Roofs. The use of flat and mansard roofs is prohibited on the façade(s) visible from the street, except for buildings three stories and higher located in the Section 913 Downtown zoning district.

The Planning Board concludes that this standard has been met. The hotel will have a mansard roof, which is allowed since the project is three stories or higher and located in the 913 Downtown Zoning District.

3. Preferred Materials. Preferred materials for visible roofing include composite shingles, standing-seam, non-glare metal or natural materials.

The Planning Board concludes that this standard has been met. The roofing materials are natural, slate, and complies with this standard.

4. Colors. Roof stripes and roof advertising shall be prohibited.

The Planning Board concludes that this standard has been met. The coloring of the roof is consistent with adjacent roofs, slate.

5. Roof-mounted Equipment. Mechanical equipment mounted on rooftops shall be screened.

The Planning Board concludes that this standard has been met. The plans in the record show that mechanical equipment are shielded with panels and are not visible from Central Street or adjacent ways.

Building Materials

Building materials should be treated as significant design elements that define the appearance of the structure. Where possible, sustainable, long-wearing recyclable products should be utilized.

1. Siding. The use of traditional building materials common to northern New England, including natural wood siding, brick or other materials with similar texture and appearance are recommended. Contemporary materials that have the same visual characteristics as traditional materials are acceptable.

The Planning Board concludes that this standard has been met. The proposed hotel will use traditional materials, primarily brick and slate on the roof. The brick columns and archways define the appearance of the structure, and visually draw attention to the lines of the building. Buildings built with these materials are meant to be built for posterity – including this new building as well as the adjacent buildings.

2. Exterior Finish. Plain, unfinished, concrete block; T-111 and plywood shall be prohibited.

The Planning Board concludes this provision is not applicable to the Project and/or has not been remanded for further consideration. The proposed building does not use concrete block, T-111 or plywood on the exterior finish.

3. Colors. Bright, garish colors shall be prohibited.

The Planning Board concludes that this standard has been met. The proposed building uses brick and granite and does not include any bright or garish colors.

Awnings and Canopies

The Planning Board concludes this provision is not applicable to the Project and/or has not been remanded for further consideration. The overhang over the front of the building is not an awning or canopy.

Linear Commercial Structures

The Planning Board concludes this provision is not applicable to the Project and/or has not been remanded for further consideration.

B. Architectural Review, Site Plan Review Section 1301

Section 1301 – Purpose.

Substantial development or major changes in the uses of land may cause a material impact on the cost and efficiency of municipal services, public utilities, road systems and traffic congestion, and may affect the visual characteristics of neighborhoods and the Town, and the general health, safety and welfare of the community. The purpose of this Section to minimize the potential negative impacts of development, while maximizing development's positive effects by assessing the impact of new development on surrounding properties, municipal facilities and services, and the natural environment.

Only uses that have been recognized as being permitted uses in their zoning district, or as the result of successful review as a conditional use, are permitted to proceed to site plan review. Therefore, the purpose of site plan review is not to establish the right of a use to be located in the area proposed, but rather to ensure that the way the use is designed and placed on a lot is appropriate to its surroundings.

The Planning Board may consider the historic importance, scenic beauty or irreplaceability of natural areas during the site plan review. This may require a proposed development or structure to relate harmoniously to the terrain and surrounding environment, including existing buildings in the vicinity that have a visual relationship, with the proposal being considered.

Based on the above findings and conclusions of law, the proposed hotel meets the site plan review purpose statement. The proposed building is visually harmonious, has a visual relationship, and augments and complements the adjacent buildings – and completes the visual harmony of the block in that it fits within the surrounding structures. The balconies on the proposed building are consistent with the other balconies in the vicinity, including on the new red brick public library, the building located at 23 Central Street owned by Appellant John Priestley, and on buildings to the right and left of the building and buildings to the rear overlooking the harbor. The balconies on the proposed building have a visually harmonious relationship with its surroundings, as there is continuity in the buildings adjoined to the proposed hotel and the balconies resemble those on adjacent properties, including those referenced above. In sum, the Planning Board concludes that the Project looks like it fits in to its surroundings, harmoniously belongs with the adjacent buildings, and incorporates design elements from the surrounding structures, including the use of brick, granite, and arches. The proposed building is

visually appealing relates harmoniously with the historic standards and features of the adjacent buildings.

C. Adequacy of Off-Street Parking – Section 803.1(4)

4. Parking Space table, subject to subsections 5, 6, 7, or 8 below. The following table specifies the minimum number of parking spaces to be provided (relevant uses outlined below):

<i>Motels, Hotels and Inns, Bed & Breakfast, Tourist Homes, Rooming Houses</i>	<i>2 parking spaces plus 1 parking space for each site available for occupancy.</i>
<i>Restaurants & Night Clubs</i>	<i>1 parking space for each 4 seats plus 1 parking space for each employee per shift.</i>

Based on the evidence in the record and in the findings of fact as outlined above, the Board found that Project requires 56 parking spaces, satisfied by providing 21 on-site parking spaces in the Sandy's Way Lot behind the proposed hotel, and 35 off-site parking spaces served by valet service to be located at the Hoboken Lot at 310 Commercial Street as previously approved by the Zoning Board of Appeals.

Based on the foregoing items and only upon the record existing prior to remand by the Maine Superior Court, the Planning Board enters its Findings of Fact and Conclusions of Law in support of its approval of 20 Central's application for Site Plan Review as reflected in its prior Decision, which its incorporated herein by reference.

IV. Additional Submissions

As noted above, following remand by the Superior Court to the Planning Board to address parking requirements and architectural harmony standards, both the Applicant and the Appellants, as well as members of the public, prior to the January 27, 2022 meeting submitted additional materials and information for the Board's consideration on remand.

While these new materials were accepted and reviewed by the Board, the Planning Board hastens to note that these materials and any pictures taken during site walk were not relied upon for the foregoing Findings of Fact and Conclusions of Law outlined in Sections II and III above which instead were based on the evidence that was in the record during the Board's approval in 2020.

Counsel for Appellants prior to and at the public meeting held on January 27, 2022 objected to the Planning Board's consideration of any additional submissions or evidence despite that fact that both counsel for Appellants and Appellant John Priestly both submitted additional information to the Planning Board prior to the January 27, 2022. Based such objections, the Planning Board had taken special care to enter Findings of Fact and Conclusions of Law based solely on the record that existed prior to remand by the Superior Court and also bifurcated discussion at the public meeting held on January 27, 2022 to first address these matters based solely on the pre-remand record and then to later allow for discussion based on newer submissions. To the extent that the Court's Orders can be construed as permitting the Planning Board to receive and consider new evidence on remand, the Planning Board would find and conclude that the Applicant met parking requirements and architectural harmony standards on remand for the reasons noted above and based on additional submissions and materials received after remand.

The Board was prepared to rely upon certain additional submissions which it found to be persuasive and notes the following:

1. Letters from a number of professional architects were informative, particularly opinions that newer or modern buildings that are to be built within an existing neighborhood should not strictly replicate existing buildings, but should instead reflect the ‘time of the building’. The letters of professional architects and experts submitted by 20 Central were unanimous in their admiration of the efforts of the proposed hotel to fit harmoniously into the neighborhood. The Board found the architects all had credentials, experience, and were local to or familiar with the community.
2. Appellants submitted a Google Map graphic with embedded pictures that purported to depict the number of decks located in the vicinity of the Project. The Planning Board did not find this depiction credible because it did not capture the numerous balconies that it has observed on its very first Site Walk for the Project (including one located across the street from the Project, at 23 Central Street). While Appellants’ submissions decks and balconies located in the neighborhood, the Board did not place significant weight on the Appellants’ depiction for the reason noted above and because it showed the back of the buildings having no protruding structures, despite the fact that there is a large deck on the back of the Shepard Block, a large balcony behind 24 Central, and decks on the condominiums in 24 Central.
3. Numerous letters submitted by the members of the public who have lived in Town of Rockport and have been active for many years spoke favorably concerning the architectural harmony of the building and how it blends into the surrounding buildings.
4. In contrast, the Applicant submitted extensive materials that purported to capture the number of decks and balconies in the region surrounding the Project. Although the materials and slide from the Applicant related to architectural harmony showing a 500’ radius was broader than the Order from the Court which asked whether decks “fall within the field of vision of a person standing on Central Street, or how the proposed bank of balconies might blend in with, complement, or clash with buildings adjacent to 20 Central Street,” these submissions substantiated and supported the Planning Board’s determination that a significant number of number of properties within eyesight of the proposed hotel have balconies or decks, including properties located directly across the street.
5. The Planning Board also notes that some of the materials in the additional submissions of the parties were included in the prior 2019/2020 review and were already part of the record.

V. Decision

Based on the above findings of fact and conclusions of law outlined in Sections II and III of this Decision, the Town of Rockport Planning Board by a vote of 4-0 approves and adopts these written Findings of Fact and Conclusions of Law on remand from the Knox County Superior Court and affirms the approval of the Site Plan Application from 20 Central, LLC, subject to the previous findings and conditions included in the Board's March 21, 2020 Notice of Decision, which is attached hereto and made a part hereof.

Dated February ____, 2022

ROCKPORT PLANNING BOARD

BY: _____

Joe Sternowski, Chair

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